

Exhibit 3

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

DEFENDANTS' PROPOSED VOIR DIRE

Pursuant to Section 4.B.2 of this Court's Individual Practices and the Orders of this Court dated November 23, 2021 and August 2, 2022, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc. d/b/a Sugar River Supplements, and Quincy Bioscience Manufacturing, LLC hereby submit their proposed voir dire for use at trial in this Action.

Personal Background

1. Where do you live?
2. Have you always lived there?
 - a. If not, where were you born?
 - b. Where did you grow up?
 - c. Have you lived anywhere else for more than a year?
 - d. If so, where?
3. What is your current or most recent occupation?
 - a. What are/were your specific duties and responsibilities at that job?
4. Please describe other employment you have had in the past 10 years.
5. What is the highest level of education you have completed?
 - a. What was your area of study?
6. Are you affiliated with any social, civil, community, professional or other organizations?
 - a. If so, which ones?
 - b. Have you held any officer or leadership roles?

Experience with the Quincy Entities or Prevagen

7. Have you, or anyone close to you, ever worked for Quincy Bioscience Holding Company, Inc.?
 - a. If so, please explain:
 - i. who was employed by Quincy Bioscience Holding Company, Inc.;
 - ii. when that person was employed by Quincy Bioscience Holding Company, Inc.;

- iii. whether that person is currently employed by Quincy Bioscience Holding Company, Inc.; and
 - iv. what that person's duties and responsibilities were while employed by Quincy Bioscience Holding Company, Inc.
8. Have you, or anyone close to you, ever worked for Quincy Bioscience, LLC?
- a. If so, please explain:
 - i. who was employed by Quincy Bioscience, LLC;
 - ii. when that person was employed by Quincy Bioscience, LLC;
 - iii. whether that person is currently employed by Quincy Bioscience, LLC; and
 - iv. what that person's duties and responsibilities were while employed by Quincy Bioscience, LLC.
9. Have you, or anyone close to you, ever worked for Prevagen, Inc. d/b/a Sugar River Supplements?
- a. If so, please explain:
 - i. who was employed by Prevagen, Inc.;
 - ii. when that person was employed by Prevagen, Inc.;
 - iii. whether that person is currently employed by Prevagen, Inc.; and
 - iv. what that person's duties and responsibilities were while employed by Prevagen, Inc.
10. Have you, or anyone close to you, ever worked for Quincy Bioscience Manufacturing, LLC?
- a. If so, please explain:

- i. who was employed by Quincy Bioscience Manufacturing, LLC;
 - ii. when that person was employed by Quincy Bioscience Manufacturing, LLC;
 - iii. whether that person is currently employed by Quincy Bioscience Manufacturing, LLC; and
 - iv. what that person's duties and responsibilities were while employed by Quincy Bioscience Manufacturing, LLC.
- 11. Have you, or anyone close to you, ever worked for any business that has done work for any of the Quincy entities?
 - a. If so, please explain:
 - i. who was employed by that company;
 - ii. when that person was employed by that company;
 - iii. whether that person is currently employed that company;
 - iv. what that person's duties and responsibilities were while employed by that company.
- 12. Have you heard about the dietary supplement called Prevagen?
- 13. Have you ever seen any advertisements for Prevagen?
- 14. Have you ever taken Prevagen?
 - a. When?
 - b. How long did you take Prevagen?
 - c. Are you still taking Prevagen?
 - d. Describe your experience.
 - e. Did you experience any benefits from Prevagen? What were they?

- f. Did you experience any side effects from Prevagen? What were they?
- 15. To your knowledge, has anyone you know ever taken Prevagen?
 - a. Who?
 - b. When?
 - c. How long did they take Prevagen?
 - d. Are they still taking Prevagen?
 - e. Describe their experience.
 - f. Did they experience any benefits from Prevagen? What were they?
 - g. Did they experience any side effects from Prevagen? What were they?
- 16. Do you have an opinion about Prevagen?
 - a. Is it favorable or unfavorable?
 - b. Please explain the basis for that opinion.

Experience with the Government

- 17. Have you, your family, or any of your close friends or relatives ever worked for the Federal Trade Commission?
 - a. If so, please explain:
 - i. who was employed by the Federal Trade Commission;
 - ii. the bureau, division, or department in which that person was employed;
 - iii. when that person was employed by the Federal Trade Commission;
 - iv. whether that person is currently employed by the Federal Trade Commission; and

- v. what that person's duties and responsibilities were while employed by the Federal Trade Commission.
- 18. Have you, your family, or any of your close friends or relatives ever worked for the federal government?
 - a. If so, please explain:
 - i. who was employed by the federal government;
 - ii. the agency, branch, division, or department in which that person was employed;
 - iii. when that person was employed by the federal government;
 - iv. whether that person is currently employed by the federal government; and
 - v. what that person's duties and responsibilities were while employed by the federal government.
- 19. Have you, your family, or any of your close friends or relatives ever worked for the New York Attorney General's Office?
 - a. If so, please explain:
 - i. who was employed by the New York Attorney General's Office;
 - ii. the bureau, division, or department in which that person was employed;
 - iii. when that person was employed by the New York Attorney General's Office;
 - iv. whether that person is currently employed by the New York Attorney General's Office; and

- v. what that person's duties and responsibilities were while employed by the New York Attorney General's Office.
- 20. Have you, your family, or any of your close friends or relatives ever worked for any state's government?
 - a. If so, please explain:
 - i. who was employed by the state government;
 - ii. the state where that person was employed;
 - iii. the agency, branch, division, or department in which that person was employed;
 - iv. when that person was employed by the state government;
 - v. whether that person is currently employed by the state government; and
 - vi. what that person's duties and responsibilities were while employed by the state government.
- 21. Have you or anyone close to you ever owned a business?
 - a. If so, please set forth:
 - i. the name of the business;
 - ii. the type of business;
 - iii. who owned the business;
 - iv. how many employees it has (had);
 - v. when the business was created;
 - vi. whether the business is still in existence; and
 - vii. if the business is not still in existence, when was it dissolved.

22. Have you, your family, or any of your close friends or relatives had any training or experience in the legal field?
- a. If so, please set forth:
- i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
23. Have you, your family, or any of your close friends or relatives had any training or experience in nutrition?
- a. If so, please set forth:
- i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
24. Have you, your family, or any of your close friends or relatives had any training or experience in the medical field?
- a. If so, please set forth:
- i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
25. Have you, your family, or any of your close friends or relatives had any training or experience in the pharmaceutical field?

- a. If so, please set forth:
 - i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
26. Have you, your family, or any of your close friends or relatives had any training or experience in the field of statistics?
- a. If so, please set forth:
 - i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
27. Have you, your family, or any of your close friends or relatives had any training or experience in marketing?
- a. If so, please set forth:
 - i. who has had such training or experience;
 - ii. where they received such training or experience;
 - iii. when they received such training or experience; and
 - iv. a description of the training or experience.
28. Do you watch the news?
- a. If so, which news channels do you watch?
 - b. How often do you watch each of these channels?
29. Do you read any newspapers?

- a. If so, which newspapers do you read?
 - b. How often do you read each of these newspapers?
30. Do you read any magazines?
- a. If so, which ones?
 - b. How often do you read each of these magazines?
31. Do you listen to any talk radio shows?
- a. If so, which ones?
 - b. How often do you listen to each of these talk radio shows?
32. Do you listen to any podcasts?
- a. If so, which ones?
 - b. How often do you listen to each of these podcasts?
33. Do you learn about the news in any other way?
- a. If so, please explain.
34. Some people place a high value on scientific evidence and other people look at science as just another potentially biased point of view. Are you skeptical of scientific arguments or do you feel like science is just another biased viewpoint?

Knowledge of the Case

35. Have you heard or read anything about the facts, parties, or the type of issues involved in this case before today?
- a. What have you heard and where did you hear it?
 - b. What have you read and where did you read it?
 - c. Will you have any difficulty setting aside anything you have heard or read before about the parties, facts, or witnesses in this case and base your

decision as a juror exclusively on the evidence presented through the testimony and exhibits presented in this courtroom, plus the law the court will give you at the conclusion of the evidence?

36. Do you have any knowledge of or experience with any of the following potential witnesses or other persons or companies that are involved in this case?

Experience with Supplements

37. Have you ever taken any dietary supplements?
- a. If so, which one(s)?
 - b. What was your experience?
 - c. Was the supplement effective?
 - d. Do you have an opinion regarding dietary supplements?
38. Have you ever taken any dietary supplements relating to memory or cognition?
- a. If so, which one(s)?
 - b. What was your experience?
 - c. Was the supplement effective?
39. To your knowledge, has anyone you know ever taken any dietary supplements?
- a. If so, who?
 - b. Which one(s)?
 - c. What was their experience?
 - d. Was the supplement effective?
40. To your knowledge, has anyone you know ever taken any dietary supplements relating to memory or cognition?
- a. If so, who?

- b. Which one(s)?
 - c. What was their experience?
 - d. Was the supplement effective?
41. Are you opposed to taking dietary supplements for any reason?
- a. If so, please explain why.
42. Do you hold a generally negative opinion of dietary supplement companies?
- a. If so, please explain the basis of your opinion.
43. Do you hold a generally negative opinion of drug companies?
- a. If so, please explain the basis of your opinion.
44. Have you seen, read or heard anything about the safety or effectiveness of dietary supplements?
- a. If yes, what have you seen, read or heard?
45. Do you have an opinion on alternative medicine?
- a. If so, is it favorable or unfavorable?
 - b. What is the basis for this opinion?
46. Do you take or have you ever taken any alternative medicines?
- a. What was your experience?
 - b. Was it effective?
47. Do you have an opinion on holistic medicine?
- a. If so, is it favorable or unfavorable?
 - b. What is the basis for this opinion?
48. Do you take or have you ever taken any holistic medicines?
- a. What was your experience?

b. Was it effective?

49. Have you, your family, or any of your close friends or relatives ever had an experience that seems similar to the dispute in this case?

a. If yes, please explain.

Miscellaneous

50. Do you believe that the Plaintiffs' case automatically has merit because they filed a lawsuit?

51. Do you agree that the parties start out on a level playing field and that they are perfectly even?

52. Have you, your family, or any of your close friends or relatives ever filed a complaint with a government agency?

a. If so, please describe.

53. Have you, your family, or any of your close friends or relatives ever had any interaction with the Federal Trade Commission?

a. If so, please describe.

54. Have you, your family, or any of your close friends or relatives ever had any interaction with the US Food and Drug Administration?

a. If so, please describe.

55. Have you, your family, or any of your close friends or relatives ever had any interaction with a state attorney's general's office?

a. If so, please describe.

56. Have you, your family, or any of your close friends every been investigated by the government?

a. If so, please describe.

57. Have you, your family, or any of your close friends or relatives ever filed a lawsuit?

a. If so, please explain:

- i. who filed the lawsuit;
- ii. who the lawsuit was filed against;
- iii. when the lawsuit was filed;
- iv. a description of the facts underlying the lawsuit;
- v. the outcome of the lawsuit;
- vi. whether the person who filed the lawsuit was satisfied with the outcome; and
- vii. why the person who filed the lawsuit was or was not satisfied with the outcome.

58. Have you, your family, or any of your close friends or relatives ever been sued before?

a. If so, explain:

- i. who was sued;
- ii. who filed the lawsuit;
- iii. when the lawsuit was filed;
- iv. a description of the facts underlying the lawsuit;
- v. the outcome of the lawsuit;
- vi. whether the person against whom the lawsuit was filed was satisfied with the outcome; and

- vii. why the person against whom the lawsuit was filed was or was not satisfied with the outcome.

- 59. Have you ever served as a juror before?
 - a. How many times?
 - b. What type of case?
 - c. What court?
 - d. Did you reach a verdict?
 - e. Have you ever been the foreperson?
 - f. Have you had any negative experiences with jury service?
 - i. If so, please explain.
- 60. Do you have any feelings or opinions regarding the FTC merely because it is an agency of the federal government?
 - a. Are those feelings or opinions favorable or unfavorable?
 - b. Please explain the bases for those feelings or opinions.
- 61. Do you have any feelings or opinions regarding the NYAG merely because it is an arm of the New York State government?
 - a. Are those feelings or opinions favorable or unfavorable?
 - b. Please explain the bases for those feelings or opinions.
- 62. In this case, the Plaintiffs go first and, after they are finished, the Defendants will put on their case if necessary. Will you keep a clear, open mind until you have heard all of the Defendants' witnesses and only make up your mind as to who should prevail after you heard all the evidence and the Court's instructions?

- 63. There are several related companies involved in this case. Does anyone think that a company should be responsible for a different company's conduct if those companies are related?
- 64. What if the related companies share the same management? Does anyone think that a company should be responsible for a related company's conduct simply because they share the same management?
- 65. Do you agree that the parties start out on a level playing field for this trial?
- 66. Do you believe that the Plaintiffs' case automatically has merit because they filed a lawsuit?
- 67. Do you believe that the Plaintiffs' case automatically has merit because it made it all the way to trial?
- 68. Do you believe the people and companies should be able to rely on guidance issued by the government?
 - a. Do you believe that the government should be able to change the law retroactively?
- 69. Is there anything you would prefer to discuss in private regarding your ability to serve as a juror in this matter?

Dated: November 17, 2022

KELLEY DRYE & WARREN LLP

By: /s/ Geoffrey W. Castello

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